

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

.....day, 20.....

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A QUITCLAIM DEED TO CORRECT A DONATION OF REAL PROPERTY

The following Resolution is hereby offered and read:

WHEREAS, pursuant to Government Code section 25355, the Board of Supervisors is empowered to accept donations of real property to the County of San Luis Obispo; and

WHEREAS, Bernard H. Duveneck, Surviving Trustee of the Duveneck Family Trust (“Duveneck Family”), owned certain real property in the Templeton area, Assessor’s Parcel Number 033-231-001, which consisted of approximately 80 acres of vacant land and 20 acres of a developed site; and

WHEREAS, by Resolution No. 2003-428 dated December 9, 2003, the Board of Supervisors accepted a real property donation from the Duveneck Family of an 81.18 acre portion (“Park Property”) of said real property to the County of San Luis Obispo for the purpose of creating a passive recreational park in the memory of Liz Duveneck; and

WHEREAS, said donation was to create a remainder parcel of 20 acres to be retained by the Duveneck Family (“Remainder Parcel”); and

WHEREAS, a survey completed in 2007 for the Nacimiento Water Project showed the Remainder Parcel is only 19.08 acres; and

WHEREAS, the 2007 survey showed a roadway belonging to the County was not acknowledged in a prior survey that was prepared for the Park Property donation; and

WHEREAS, Laura Barker, the daughter of Liz and Bernard Duveneck and the current owner of the Remainder Parcel, is seeking to correct the conveyance of the Park Property so that the Remainder Parcel is 20 acres; and

WHEREAS, to correct the .92 acre deficiency in the 20 acre parcel, a public lot, PL12-39, ("Public Lot") was created for the purpose of a lot line adjustment between the Park Property and the Remainder Property; and

WHEREAS, the County Subdivision Review Board has confirmed that this conveyance of land to the Laura D. Barker Living Trust does not require the filing of a parcel map; and

WHEREAS, in accordance with California Government Code Section 65402, this conveyance is determined to be in the conformity with the General Plan; and

WHEREAS, the County Environmental Coordinator recommends that the Board find this conveyance is an exempt action pursuant to the California Environmental Quality Act (CEQA) (Public Resources Codes, Section 21080(b)(1), as implemented by the State CEQA Guidelines, California Code of Regulations, Section 15061(b)(3); and

WHEREAS, it is in the best interest of the County of San Luis Obispo to achieve the original intent of the Duveneck Family donation by correcting said deficiency and Quitclaiming the Public Lot to the Laura D. Barker Living Trust so that the Remainder Parcel is 20 acres;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. That the Board of Supervisors finds this conveyance is an exempt action pursuant to the California Environmental Quality act (CEQA) (Public Resources Code, Section 21080(b)(1), as implemented by the State CEQA Guidelines, California Code of Regulations, Section 15061(b)(3).

2. The Chairperson is hereby authorized and instructed to execute the Quitclaim Deed as presented.

3. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution and Quitclaim Deed attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.

Upon Motion of Supervisor _____, seconded by Supervisor

_____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted. _____
Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

Rita L. Neal
County Counsel

By:  _____
Deputy County Counsel
Date: September 24, 2012

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